

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JEROME DONNELL ATKINS,  
JR., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

KENYETTA MONICK SAYERS,

Respondent-Appellant,

and

JEROME DONNELL ATKINS,

Respondent.

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UNPUBLISHED

April 23, 2002

No. 234608

Wayne Circuit Court

Family Division

LC No. 99-384819

Before: Gage, P.J., and Griffin and Buth\*, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child under MCL 712A.19b(3)(a)(ii), (c)(i), and (g).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL

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<sup>1</sup> The trial court's order also terminated the parental rights of respondent Jerome Donnell Atkins, the child's father. Atkins has not appealed the trial court's order.

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\* Circuit judge, sitting on the Court of Appeals by assignment.

712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold that the trial court did not clearly err in finding that petitioner established one or more statutory grounds for termination of respondent's parental rights. The evidence showed the child was placed in foster care after petitioner learned that the child tested positive for cocaine at birth, respondent had a longstanding addiction to cocaine, and respondent was unemployed and homeless. Respondent made some effort to address her addiction but was unsuccessful and relapsed into drug use. Respondent visited the child for a time, but then abruptly terminated visitation and made no further effort to contact the child. Respondent's circumstances at the time of the termination hearing were unchanged from the time the child entered foster care.

The trial court did not clearly err in finding termination of respondent's parental rights was warranted on the grounds of desertion, MCL 712A.19b(3)(a)(ii), the conditions that led to adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time considering the child's age, MCL 712A.19b(3)(c)(i), and respondent failed to provide proper care or custody and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g). The evidence did not show termination of respondent's parental rights was clearly not in the child's best interests. MCR 5.974(I); *Trejo*, *supra*.

Affirmed.

/s/ Hilda R. Gage  
/s/ Richard Allen Griffin  
/s/ George S. Buth